

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANTONIO COLBERT,

Plaintiff,

v.

**Civil Action 2:11-cv-774
Judge James L. Graham
Magistrate Judge E.A. Preston Deavers**

**OHIO STATE REPRESENTATIVE
DALE MALLORY,**

Defendant.

ORDER

This matter is before the Court for consideration of the September 21, 2011 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 6.) The Magistrate Judge recommended that the Court dismiss this action pursuant to 28 U.S.C. § 1915(e)(2).

The Report and Recommendation specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to de novo review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report and Recommendation 3, ECF No. 20.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, this action is **DISMISSED** pursuant to § 1915(e)(2) for

failure to state a claim upon which relief can be granted.

IT IS SO ORDERED.

S/ James L. Graham
James L. Graham
UNITED STATES DISTRICT COURT

Date: October 13, 2011